

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Lubomirsky, et al.

Serial No.: 10/781,040

Confirmation No.: 8367

Filed: February 18, 2004

For: Method for Immersing a
Substrate

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Group Art Unit: 1795

Examiner: Luan V. Van

Appeal No.: 2007-3942

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-Web to MAIL STOP APPEAL BRIEF - PATENTS, on the date shown below.

May 13, 2008
Date


Steven H. VerSteeg

REQUEST FOR RECONSIDERATION

Applicants respectfully request reconsideration of the Decision on Appeal mailed by the Board on March 13, 2008, for the reasons discussed below. This request is filed by the due date of May 13, 2008. Please charge any fee due for this request to Deposit Account No. 20-0782/APPM/008266/KMT.

The Examiner has rejected claim 25 under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement. The Examiner has also rejected claims 1-4, 8, 9, 12-16, and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,582,578 B1 to *Dordi et al.* in view of U.S. Patent Publication No. 2003/0057098 A1 to *Sendai et al.* The Examiner has also rejected claims 5, 6, 10, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,582,578 B1 to *Dordi et al.* in view of U.S. Patent Publication No. 2003/0057098 A1 to *Sendai et al.* and further in view of U.S. Patent Publication No. 2002/0084189 A1 to *Wang et al.* The Board affirmed the Examiner's rejections,

concluding that "Dordi discloses positioning the substrate at first and second tilt angles prior to being positioned horizontally so as to be parallel with patentee's horizontal anode" (See Decision on Appeal decided March 13, 2008, page 5). Additionally, the Board notes that "Dordi teaches positioning the substrate at tilt angles α_1 and α_2 as the substrate is immersed in the electrolyte solution" (See Decision on Appeal decided March 13, 2008, page 6).

Applicants respectfully assert that both the Board and the Examiner have failed to show "tilting the receiving member to a first tilt angle measured from horizontal", "displacing the receiving member toward the fluid solution at the first tilt angle", and "tilting the receiving member to a second tilt angle measured from horizontal when the substrate contacts the fluid solution, the second tilt angle being different from the first tilt angle" as recited in claim 1.

As noted by the board, *Dordi et al.* discloses two tilt angles, α_1 and α_2 , which both occur after the substrate has been immersed (See Figure 30). Thus, *Dordi et al.* does not indicate that the substrate moves at a first angle measured from horizontal prior to entering the electrolyte solution. In fact, *Dordi et al.* states that the substrate may be tilted "from horizontal as the substrate is immersed into the electrolyte solution" (See column 34, lines 43-47). Thus, *Dordi et al.* does not disclose both "tilting the receiving member to a first tilt angle measured from horizontal", "displacing the receiving member toward the fluid solution at the first tilt angle", and "tilting the receiving member to a second tilt angle measured from horizontal when the substrate contacts the fluid solution, the second tilt angle being different from the first tilt angle" as recited in claim 1.

Sendai et al. does not cure the deficiencies of *Dordi et al.* The Examiner and the Board utilize *Sendai et al.* for "a final positioning of the substrate at a processing angle so as to achieve parallelism between the substrate and tilted anode" (See Decision on Appeal decided March 13, 2008, page 5). However, the substrate angle never changes during movement of the substrate in *Sendai et al.* Thus, *Sendai et al.* does not provide any teaching, suggestion, or motivation for "tilting the receiving member to a first tilt angle measured from horizontal" and "displacing the receiving member toward the fluid solution at the first tilt angle" prior to "tilting the receiving member to a second tilt angle

measured from horizontal when the substrate contacts the fluid solution, the second tilt angle being different from the first tilt angle" as recited in claim 1.

Therefore, accepting the Board's finding that "claim 1 does not require the processing angle to be different from the second tilt angle" (See Decision on Appeal decided March 13, 2008, page 6), neither *Dordi et al.* nor *Sendai et al.* teach, show, suggest, or otherwise render obvious "tilting the receiving member to a first tilt angle measured from horizontal" and "displacing the receiving member toward the fluid solution at the first tilt angle" prior to "tilting the receiving member to a second tilt angle measured from horizontal when the substrate contacts the fluid solution, the second tilt angle being different from the first tilt angle" as recited in claim 1.

Having reviewed the Board's Opinion, and having demonstrated grounds for patentability, Applicants respectfully request reconsideration of the decision and reversal of the rejection of claims 1-6, 8-10, 12-16, and 19-26.

Respectfully submitted,



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